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Attorney for Defendant  
Brent Hooton

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRENT HOOTON,

Defendant.

Case No. 2:21-CR-00105-DAD

**STIPULATION AND ORDER TO  
CONTINUE STATUS CONFERENCE**

Judge: Honorable Dale A. Drozd.

**STIPULATION**

1. By previous order this case was set for trial on March 20, 2023. A status conference is set for January 10, 2023, and a trial status conference is set for February 14, 2023.

2. By this stipulation the defense asks, and the government does not oppose, vacating the January 10, 2023, and March 20, 2023, dates and converting the February 14, 2023, date into a status conference. The defense further asks, and the government does not oppose, to set trial on June 12, 2023, and a status conference approximately one month prior to trial, on May 16, 2023.

3. The defense believes a continuance is necessary in order for the defense to provide constitutionally adequate representation to Mr. Hooton for the following reasons:

(a) Defense counsel was appointed in late September 2022. For a variety of reasons including the fact prior counsel missed 1-2 weeks of work due to Covid, and another approximately 2 weeks of work due to a pre-planned vacation, the undersigned counsel did not

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receive the file until approximately October 29, 2022.

(b) Upon receipt of the file the defense determined not all items were redeived from prior counsel and, in early December 2022, requested the government re-produce all discovery. The government produced all items on December 14, 2023. An initial review of that discovery suggests the defense received a complete set of the discovery with the possible exception of one item.

(c) The defense needs to inspect physical evidence housed at the FBI's office as well as evidence that cannot legally be produced to defense counsel. The government has agreed to make these items available. However, the defense investigator has pre-paid, out of country travel planned and cannot review the evidence until early January 2023.

(d) Counsel for defendant believes failure to grant the above-requested continuance would deny them the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

(e) The government does not object to the continuance.

(f) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendants in a trial within the original date prescribed by the Speedy Trial Act.

(g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, *et seq.*, within which trial must commence, the time period of January 10, 2023 through June 12, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendants' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendants in a speedy trial.

Dated: December 15, 2022.

Respectfully submitted,

By /s/ Kresta Daly for  
AUDREY HEMESATH  
ASSISTANT UNITED STATES ATTORNEY

1  
2  
3 Dated: December 15, 2022.

4 By /s/ Kresta Daly  
5 Kresta Daly  
6 Attorney for Brent Hooton  
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BARTH DALY LLP  
ATTORNEYS AT LAW

**ORDER**

GOOD CAUSE APPEARING upon the stipulation of the parties it is ordered:

The status conference of January 10, 2023, is vacated. The February 14, 2023 at 9:30 a.m. hearing is re-set as a status conference. The March 20, 2023, trial date is vacated. A trial confirmation hearing is now set for May 16, 2023 at 9:30 a.m. Trial is now re-scheduled for June 12, 2023, at 9:00 a.m. The Court finds excludable time through June 12, 2023, under Title 18, United States Code Section 3161(h)(7)(B)(iv) and Local Code T4 to allow for preparation of counsel. The Court also finds that the interests of justice are best served by granting the request and outweigh the interests of the public and the defendant in a speedy trial. (18 U.S.C. § 3161(h)(7)(A), (h)(7)(B)(iv).)

IT IS SO ORDERED.

Dated: **December 15, 2022**

  
UNITED STATES DISTRICT JUDGE